

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM F. RUSSELL,

Plaintiff,

v.

ALAN HILBURG; individually; HILBURG
& ASSOCIATES, LLC, a limited liability
company; ALAN HILBURG &
ASSOCIATES; HAI HOLDINGS, INC., a
corporation; PORTER NOVELLI, INC., a
corporation, d/b/a Porter Novelli, Inc.
Consulting (aka PNConsulting); and JOHN
DOES and/or JANE DOES 1-3, presently
unknown parties.

Defendants.

NO. C08-217 RSM

DECLARATION OF
ALAN J. HILBURG IN OPPOSITION
TO PLAINTIFF'S MOTION TO
COMPEL DISCLOSURE

I, Alan J. Hilburg, declare under penalty of perjury:

1. I am the personal defendant and the President of defendant HAI Holdings, Inc. herein. At all times material hereto I also was the President of HAI Holdings, Inc.'s predecessor entities.

2. At the outset of this litigation, I made an extensive search for any records and files in my possession or subject to my control for purposes of responding to the Plaintiff's

DECLARATION OF ALAN J. HILBURG
IN OPPOSITION TO PLAINTIFF'S
MOTION TO COMPEL DISCLOSURE 1
CO8-0217RSM

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1 First Requests for Production of Documents to Defendants that was served with the
2 Complaint. As part of that search, I asked Sue Cox, (HAI Holdings, Inc.'s and its
3 predecessors' bookkeeper commencing around 2000) to provide me with any documents
4 responsive to the Plaintiff's First Requests for Production of Documents to Defendants that
5 she had access to. I also asked her where I should look for any such documents.
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7 3. To the best of my knowledge, I have produced all such documents that I was
8 able to locate and that existed when this action was commenced.

9 4. I have reviewed Plaintiff's Motion to Compel Disclosure filed by William F.
10 Russell. I understand that Mr. Russell seeks production of (1) 1099's that HAI Holdings,
11 Inc., its predecessor entities or I may have received for income received by the entities or me
12 on his behalf pursuant to the terms of a representation agreement and (2) any summaries
13 similar to or containing similar information as Exhibit A to the Declaration of Counsel David
14 J. Balint in Support of Plaintiff's Motion to Compel Disclosure.
15

16 5. After the pending motion was filed, I contacted Sue Cox once again asking her
17 about the two types of documents specifically identified in the pending motion.

18 6. Ms. Cox advised me that the only documents she was able to locate were those
19 related to a 2005 IMG 1099. Those documents are attached hereto as Exhibit A.
20

21 7. I also contacted Tony Hudimac of Yount, Hyde & Barbour, the tax preparer for
22 both HAI Holdings, Inc. and me personally commencing with tax year 2001 concerning the
23 type of documents subject to plaintiff's motion. He advised me that he had no such
24 documents in his work file and, moreover, that he did not believe that a 1099 would have
25 been sent to HAI Holdings, Inc. because it is a corporation.
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1 8. Finally, I tried to contact William E. Busch, the tax preparer for 1998, and
2 Donna Heidinger, the tax preparer for 1999, but I was unable to locate either one.

3 I hereby certify under penalty of perjury under the laws of the State of Washington and
4 under the laws of the State of Virginia that the foregoing is true and correct.

5 Executed this ____ day of August, 2008, at Anchorage, Alaska

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8 Alan J. Hilburg
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DECLARATION OF ALAN J. HILBURG
IN OPPOSITION TO PLAINTIFF'S
MOTION TO COMPEL DISCLOSURE 3
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